

Introduced by Senator Kuehl

February 20, 2003

An act to amend Sections 31402.2 and 31402.3 of the Public Resources Code, and to repeal Section 6 of Chapter 518 of the Statutes of 2002, relating to coastal access.

LEGISLATIVE COUNSEL'S DIGEST

SB 445, as introduced, Kuehl. Coastal access: State Coastal Conservancy.

(1) Existing law requires the State Coastal Conservancy to accept any outstanding offer to dedicate a public accessway that has not been accepted by another public agency or nonprofit organization within 90 days of its expiration date.

This bill would make a clarifying change in that provision.

(2) Existing law requires the conservancy to open at least 3 public accessways each year either directly or by awarding grants to public agencies or nonprofit agencies for that purpose.

This bill would condition that requirement on the extent funds are available for that purpose.

(3) Existing uncodified law authorizes the conservancy to transfer public access easements or other less-than-fee interests in property to a public agency or nonprofit organization for development, management, or public use, and to enter into agreements with those entities for those same purposes.

This bill would codify those provisions and make related changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



The people of the State of California do enact as follows:

SECTION 1. Section 31402.2 of the Public Resources Code is amended to read:

31402.2. The conservancy shall accept any outstanding offer to dedicate a public accessway, *described in Section 31402.1*, that has not been accepted by another public agency or nonprofit organization within 90 days of its expiration date.

SEC. 2. Section 31402.3 of the Public Resources Code is amended to read:

31402.3. (a) ~~The~~ *To the extent that funds are available, the* conservancy shall open at least three public accessways each year either directly or by awarding grants to public agencies or nonprofit organizations.

(b) The conservancy may transfer public access easements or other less-than-fee interests in property to any appropriate public agency or nonprofit organization for development, management, or public use, or may enter into agreements with public agencies and nonprofit organizations for the development, management, or public use of the accessway. *The conservancy shall retain the right to reclaim the easements or other interests in the event that the public agency or nonprofit organization ceases to exist, is no longer able to manage the accessway, or violates the terms of the agreement.*

(c) *Before a nonprofit organization may accept an offer to dedicate an interest in real property under Division 20 (commencing with Section 30000), the nonprofit organization shall do all of the following:*

(1) *Submit satisfactory proof to the executive director of the conservancy that the nonprofit organization has been approved as a tax exempt public benefit corporation under Section 501(c)(3) of the Internal Revenue Code, and has filed a Form 990 with the Internal Revenue Service.*

(2) *Submit a management plan acceptable to the conservancy that describes the nonprofit organization's planned management and operation of the interest.*

(3) *Grant a right of entry that permits the conservancy to reclaim or assign the interest to another public agency or nonprofit organization, if the conservancy determines that the nonprofit*

1 *organization is not managing or operating the interest consistent*
2 *with the management plan developed pursuant to paragraph (2).*

3 (c) No public accessway accepted pursuant to Section 31402.2
4 shall be developed, improved, or formally opened for public use
5 until its transfer, development, or public use has been authorized
6 by the conservancy.

7 (d) The conservancy may not use moneys appropriated from
8 the General Fund for the purposes of this section.

9 SEC. 3. Section 6 of Chapter 518 of the Statutes of 2002 is
10 repealed.

11 ~~SEC. 6. (a) Before approving the conveyance by the~~
12 ~~conservancy to a nonprofit organization of an offer to dedicate an~~
13 ~~interest in real property under Division 20 (commencing with~~
14 ~~Section 30000) of the Public Resources Code, the Executive~~
15 ~~Director of the California Coastal Commission shall determine the~~
16 ~~following:~~

17 ~~(1) The nonprofit organization qualifies and is in good standing~~
18 ~~as a nonprofit organization under Section 501(c)(3) of the United~~
19 ~~States Internal Revenue Code.~~

20 ~~(2) The nonprofit organization has filed a Form 990 with the~~
21 ~~Internal Revenue Service.~~

22 ~~(b) The nonprofit organization shall submit to the California~~
23 ~~Coastal Commission a management plan that describes the~~
24 ~~nonprofit organization's planned management and operation of~~
25 ~~the interest.~~

26 ~~(c) The conservancy shall retain a power of entry, with the option~~
27 ~~to reclaim or assign the interest, if the commission determines that~~
28 ~~the nonprofit organization is not managing or operating the~~
29 ~~interest consistent with the management plan developed pursuant~~
30 ~~to subdivision (b).~~